

ASSEMBLY BILL

No. 1620

Introduced by Assembly Member Wieckowski

February 8, 2012

An act to amend Section 25123.5 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1620, as introduced, Wieckowski. Hazardous waste: treatment.

Existing law defines the term “treatment” for purposes of the hazardous waste control laws and excludes certain activities conducted either onsite in accordance with the requirements of the hazardous waste control law or conducted in accordance with the conditions issued pursuant to a permit issued by the Department of Toxic Substances Control. Existing law prohibits the owner or operator of a hazardous waste treatment facility from treating hazardous waste at the facility, unless the operator or operations hold a hazardous waste facilities permit or other grant of authorization from the department.

This bill would additionally exclude from the definition of the term “treatment,” the separation of air and particulate matter by physical means and the compaction of compatible waste by physical means to reduce volume if the process does not increase the risk of fire or cause the release of hazardous gaseous emissions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 25123.5 of the Health and Safety Code is amended to read:

25123.5. (a) Except as provided in subdivisions (b) and (c), “treatment” means ~~any~~ a method, technique, or process ~~which that~~ is not otherwise excluded from the definition of treatment by this chapter and ~~which that~~ is designed to change the physical, chemical, or biological character or composition of ~~any~~ a hazardous waste or ~~any~~ a material contained therein, or ~~which that~~ removes or reduces its harmful properties or characteristics for any purpose.

(b) (1) “Treatment” does not include any of the activities listed in paragraph (2), if one of the following requirements is met:

(A) The activity is conducted onsite in accordance with the requirements of this chapter and the department’s regulations adopted pursuant to this chapter governing the generation and accumulation of hazardous waste.

(B) The activity is conducted in accordance with the conditions specified in a permit issued by the department for the storage of hazardous waste.

(2) The activities subject to the exemption specified in paragraph (1) include all of the following:

(A) Sieving or filtering liquid hazardous waste to remove solid fractions, without added heat, chemicals, or pressure, as the waste is added to or removed from a storage or accumulation tank or container. For purposes of this subparagraph, sieving or filtering does not include adsorption, reverse osmosis, or ultrafiltration.

(B) Phase separation of hazardous waste during storage or accumulation in tanks or containers, if the separation is unaided by the addition of heat or chemicals. If the phase separation occurs at a commercial offsite permitted storage facility, all phases of the hazardous waste shall be managed as hazardous waste after separation.

(C) Combining two or more *hazardous* waste streams that are not incompatible into a single tank or container if both of the following conditions apply:

(i) The waste streams are being combined solely for the purpose of consolidated accumulation or storage or consolidated offsite shipment, and they are not being combined to meet a fuel

1 specification or to otherwise be chemically or physically prepared
2 to be treated, burned for energy value, or incinerated.

3 (ii) The combined waste stream is managed in compliance with
4 the most stringent of the regulatory requirements applicable to
5 each individual waste stream.

6 (D) Evaporation of water from hazardous wastes in tanks or
7 containers, such as breathing and evaporation through vents and
8 floating roofs, without the addition of pressure, chemicals, or heat,
9 other than sunlight or ambient room lighting or heating.

10 (E) *Separation of air and particulate matter by physical means.*

11 (F) *Compaction of compatible waste by physical means to*
12 *reduce volume if the process does not increase the risk of fire or*
13 *cause the release of hazardous gaseous emissions.*

14 (3) This subdivision does not apply to ~~any~~ an activity for which
15 a hazardous waste facilities permit for treatment is required under
16 the federal act.

17 (c) "Treatment" does not include the combination of
18 glutaraldehyde or orthophthalaldehyde, which is used by medical
19 facilities to disinfect medical devices, with formulations containing
20 glycine as the sole active chemical, if the process is carried out
21 onsite.